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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/500,736

07/01/2004

Yoshifumi Kachi

39.025-AG

6690

29453

7590

05/15/2006

JUDGE PATENT FIRM

RIVIERE SHUKUGAWA 3RD FL.

3-1 WAKAMATSU-CHO

NISHINOMIYA-SHI, HYOGO, 662-0035

JAPAN

EXAMINER

PAIK, SANG YEOP

ART UNIT

PAPER NUMBER

3742

DATE MAILED: 05/15/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Period for Reply

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 December 2005.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 12/23/05.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1, 2, 3, 5 and 9-13 are rejected under 35 U.S.C. 102(e) as being anticipated by Ito et al (US 6,465,763).

Ito shows the device claimed including a substantially disk shaped ceramic substrate with first and second opposing faces and a side face perpendicular to the first and second faces, a resistive heating element provided either on a surface or inside the ceramic substrate with a diameter having the diameter of 150mm or 200mm with the side face of the ceramic substrate having the surface roughness of .1 to 200microns. Having such roughness would extend the outer diameter to either 150.2mm or 200.2mm which yields the difference of .13% or .1%, respectively, which meets the claimed ratio of .8% or less.

Ito also shows that that the ceramic substrate is made of aluminum nitride having the thermal conductivity more than 180 W/mK with the resistive heating element made of tungsten or molybdenum provided thereto; Ito further shows that the ceramic substrate can be made of silicon nitride which the applicant discloses as having a thermal conductivity of 20 W/mK.

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With respect to the temperature uniformity being ± 5 percent or ± 1 percent, such properties or functions are presumed inherent when the structure recited in the prior art is substantially identical to that of the claims.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 4, 6, 7 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ito et al (US 6,465,763) in view of Yoshida et al (US 6,080,970) or Kawada et al (US 5,66,260).

Ito shows the device claimed except having a plasma electrode.

Yoshida and Kawada show it is known in the art to provide a ceramic heater with an electrode when heating a semiconductor wafer to either provide the plasma heating and or the electrostatic attraction force. In view of Yoshida or Kawada, it would have been obvious to one of ordinary skill in the art to adapt Ito with an electrode to improve the heating and treating process of an object such as a wafer by creating the plasma or the electrostatic force for uniform heating across the wafer.

Response to Arguments

5. Applicant's arguments filed 12/30/05 have been fully considered but they are not persuasive.

The applicant argues that Ito does not show the geometric shape of the substrate but rather the degree of surface roughness R_{max} smoothness in a micro-scale context that has no

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bearing relationship to the geometric shape of a circular/elliptical substrate. This argument is not deemed persuasive. Due to the variations in the side face of the substrate in Ito, as illustrated by the Rmax variations, the diameter of the substrate would vary, albeit in micro-scale as suggested by the applicant, but it is noted that such variations are within the claimed range of less than .8% or .3%. Whether the Rmax is in the micro-scale or not, the recited range is met by Ito and the claims as recited are not distinguishable over the applied art.

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sang Y. Paik whose telephone number is 571-272-4783. The examiner can normally be reached on M-F (9:00-4:00) First Friday Off.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robin Evans can be reached on 571-272-4777. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

S. R.

Sang Y Paik
Primary Examiner
Art Unit 3742

syp